HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6703 of 2006

Dated:29.01.2007

Between:

Sri C.Ravindranatha Reddy.

...Petitioner.

and

The Divisional Forest Officer.

...Respondent.

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6703 of 2006

ORDER:

The petitioner seeks a direction to the sole respondent to forward his application, dated 12.05.2003, submitted for grant of Saw Mill licence to the Central Empowered Committee, New Delhi (for short "the Committee"), constituted by the Supreme Court.

The petitioner purchased Venkata Raghavendra Saw Mill, Deebaguntla Village, Kurnool District, in the year 1997 and the transfer of the licence in favour of the petitioner was approved by the licencing authority, the respondent herein. It was renewed up to 31.12.2004.

The petitioner intended to shift the Saw Mill to a different place. He contends that when he approached the respondent for granting permission to shift the Saw Mill, he was advised to submit a fresh application. It is in this background, he submitted an application on 12.05.2003 under Rule 4(1)(a) of the Andhra Pradesh Saw Mill (Regulation) Rules, 1969 (for short "the Rules") and permission was accorded. The petitioner is said to have surrendered the licence in respect of Venkata Raghavendra Saw Mill purchased by him.

The respondent issued a show cause notice, dated 10.01.2006, to the petitioner, directing him to explain as to why the licence granted to him on 21.06.2003 shall not be cancelled, in view of the ban imposed by the Supreme Court, in its order passed in W.P.No.202 of 1995. The petitioner submitted an explanation to the respondent narrating the circumstances under which the licence was granted, and ultimately, requested to forward his application to the Committee. The grievance of the petitioner is that the respondent has not taken any steps thereon and is proposing to cancel the licence.

The respondent filed a counter-affidavit. The fact that the petitioner purchased the existing Saw Mill with the approval of the department, was admitted. However, the licence that was granted to the petitioner on 21.06.2003 is said to be unrelated to the previous licence and without knowledge of orders of the Supreme Court. It is also stated that the application of the petitioner cannot be forwarded to the Committee at this stage.

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

The Rules prescribe the procedure for grant and renewal of licences. In its judgment in W.P.No.202 of 1995, the Supreme Court held, *inter alia*, that no licence for establishment of Saw Mill shall be granted anywhere in the country, subsequent to a stipulated date. It is no doubt true that the petitioner was granted licence on 21.06.2003, which is subsequent to the date stipulated by the Supreme Court. It was observed by the Supreme Court that, in case any applications are made subsequent to the stipulated date, they must be forwarded to the Committee.

The application made by the petitioner on

12.05.2003, cannot be treated as a fresh one for grant of licence. It was almost a substitute for an application seeking permission to shift the existing Saw Mill. The very fact that the petitioner had approached the respondent for obtaining permission before shifting of Saw Mill, which is already owned by him, and the surrender of licence thereof, clearly supports this. At any rate, once it is admitted by the respondent himself that he was not aware of the orders of the Supreme Court, when he granted licence in favour of the petitioner on 21.06.2003, there ought not to have been any difficulty for him in forwarding the application of the petitioner to the Committee, at least when he became aware of orders of the Supreme Court. The respondent did not assign any cogent reasons for not acceding to the request of the petitioner.

Hence, the writ petition is disposed of, directing the respondent to forward the application, dated 12.05.2003, submitted by the petitioner to the Committee, for its consideration. The Committee, in turn, shall pass appropriate orders thereon, within a period of four weeks from the date of receipt of the same. The fact that the petitioner surrendered a licence, which was in vogue, shall be taken into account.

Inasmuch as the petitioner held a valid licence when he made the present application, dated 12.05.2003, it is directed that the petitioner shall be entitled to continue to run the Saw Mill in accordance with the relevant Rules, till the Committee disposes of the application.

There shall be no order as to costs.

_____

Dt.29.01.2007
L.NARASIMHA REDDY, J

-

GJ